

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Inventor(s): John C. Bell, *et al.* Atty. Ref.: 18041B-PCTUS
Appl. No.: 10/551,103 Group Art Unit: 1648
Filed: September 26, 2005 Examiner: Mosher, Mary
Conf. No.: 1653 Customer No.: 31976
For: MUTANT VESICULAR STOMATITIS VIRUSES AND USES THEREOF

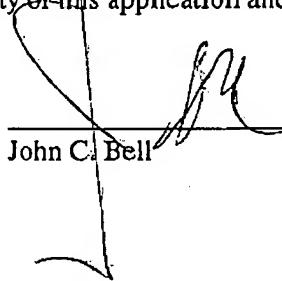
Declaration Under 37 CFR § 1.131

We, John C. Bell, David F. Stojdl and Brian D. Lichy, do hereby declare and state:

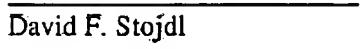
1. We are the inventors of the subject matter described in the above identified utility patent application as claimed in all of the claims 3-6 and 8-20, as amended by the Amendment submitted herewith.
2. The subject matter of claims 3-6 and 8-20, as submitted herewith, was conceived and reduced to practice by us before September 9, 2002. As evidence of this fact, attached hereto as Exhibit 1 are copies of laboratory notebook pages showing the use of this invention. The dates have been redacted on these copies.
3. The experiment described in Exhibit 1, was performed in Canada.
4. Exhibit 1 shows the results of an experiment that produce a ΔM51 mutant vesicular stomatitis virus. For example, the bottom right corner of the page describes that the virus designated XNDGM4 was obtained, which is a ΔM51 mutant vesicular stomatitis virus.
5. In Exhibit 1, at the very bottom of the page is the statement that “[a]ll this is pending sequencing to confirm mutant”. Prior to September 9, 2002, this sequencing was performed and confirmed that the mutant vesicular stomatitis virus had the ΔM51 mutation.

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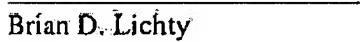
6. All statements made of my own knowledge are true, and all statements made on information and belief are believed to be true. I am aware the willful false statements and the like are punishable by fine or imprisonment, or both (18 U.S.C. § 1001) and may jeopardize the validity of this application and any patent issuing thereon.


John C. Bell

July 20/09
Date


David F. Stojdl

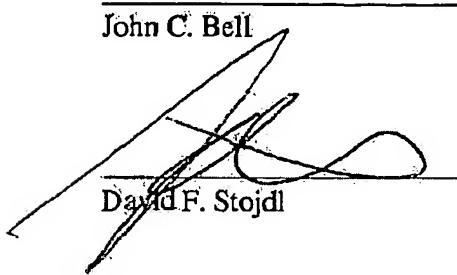
Date


Brian D. Lichy

Date

6. All statements made of my own knowledge are true, and all statements made on information and belief are believed to be true. I am aware the willful false statements and the like are punishable by fine or imprisonment, or both (18 U.S.C. § 1001) and may jeopardize the validity of this application and any patent issuing thereon.

John C. Bell


David F. Stojdl

Date

July 21, 2009
Date

Brian D. Lichtry

Date

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6. All statements made of my own knowledge are true, and all statements made on information and belief are believed to be true. I am aware the willful false statements and the like are punishable by fine or imprisonment, or both (18 U.S.C. § 1001) and may jeopardize the validity of this application and any patent issuing thereon.

John C. Bell

Date

David F. Stojdl

Date

Brian D. Lichy

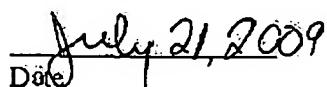
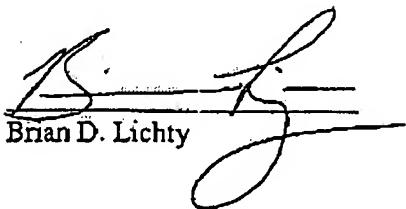
Date

Exhibit 1

EXPT NO ASSAY

23

6/16/81 NSV { Notes of AMSI

DATE

REDACTED

at 10⁵ TCID₅₀ w/ 1 ml of Vero overlay + 1 ml of 10% FBS
in 24 hr. I got 10⁵ TCID₅₀ (approx.)

Decided to continue experiment with T74 cells. T7 G
is becoming a useful system for AMSI (Mab/Mab).

3mL medium + 1ml glucose + 2mL FBS
1mL DMEM + 1mL FBS + 5mL 10% FBS
154.44 150 24.5 147.55

Abs (over 24h later)

Took 5 small tissue tracts of fibroblast rescue well (pg 22)
and infected Vero cells. The pictures of 20 may have ARAC-C
in 2 hours.

And 3rd Dose w/ 30 mg/ml ARAC-C
(high glucose)

To the trypsinized BHK G cells I added 3mL
DMEM w/ 30 mg/ml ARAC-C to later check recovery

(as I suspect BHK don't like Optimum for long periods of time)

Checked all plates

Good News: well #6B from Dec 11 (pg 20) has
 $\frac{1}{4}$ of the plate with CPE distinction of BHK
BHK TF & Vero overlay. will monitor to see
if CPE spreads

This represents XNDGM4 !!! (i.e. \triangle MSI in NSVXN
but this mutant is selectable backbone)

Now I must rescue it in my NSVXN
backbone

All this is pending sequencing to confirm mutant

more work before we can say it's true

SIGNATURE
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